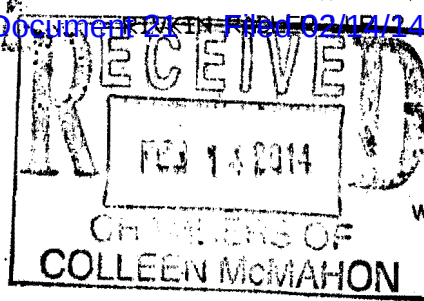


RIVKIN RADLER
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MEMO ENDORSED



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February 12, 2014

By Facsimile to Chambers
(212) 805-6326
Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 14C
New York, New York 10007-1312

Re: **Behzad Nehmadi v. Vic Lotan (CM)**
Docket No. 14-cv-0300

Dear Judge McMahon:

I write pursuant to the Court's January 30, 2014 Order.

Counsel for the Defendant, Claude Castro, Esq., and I have discussed this matter in detail and we collectively believe that a settlement conference before Magistrate-Judge Ellis would help facilitate a global resolution of the issues between Mr. Nehmadi and Mr. Lotan. A global settlement would undoubtedly result in a resolution of this matter as well. As such, we are collectively requesting that the Court have Magistrate-Judge Ellis schedule a settlement conference in the matter, and that clients be directed to attend the conference in person.

In terms of scheduling the settlement conference, we have been advised that Mr. Lotan is returning to Israel on February 19, 2014 to deal with some personal issues, and will not be returning until the end of March 2014. Mr. Nehmadi, who resides in California, was scheduled to be in New York the week of February 24, 2014 and was prepared to have the settlement conference that week or to extend his stay in New York (if necessary) in the event that Magistrate-Judge Ellis' schedule did not permit a conference that week. Mr. Lotan apparently cannot delay his trip to Israel and cannot return for approximately 5 weeks.

In light of these scheduling issues, I proposed to Mr. Castro that the litigation be stayed pending Mr. Lotan's return and the conclusion of the settlement conference before Magistrate-Judge Ellis because it seems pointless for counsel fees to be expended to litigate the matter if the parties are going to make a good

2/14/2014
There will be no stay of litigation. It will continue to stay by producing discovery during Mr. Lotan's absence. If you want to meet with Judge Ellis, schedule it with him. If there is to be an amended complaint it MUST be filed by 2/21/2014

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Honorable Colleen McMahon
United State District Court Judge
Southern District of New York
February 6, 2014
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faith effort to settle. Mr. Castro has advised that he is not authorized by his client to agree to a stay for among other reasons, he is not aware of what has been done with regard to the mortgage on the property.

Leaving aside the fact that the issue has nothing to do with the prospect of settlement, the Court should be aware that our client and Mr. James Coleman (the other co-manager of Realty) have taken affirmative steps to assure that the mortgage did not go into default because of Mr. Lotan's refusal to contribute his proportionate share to pay it off. Mr. Castro and his client have been on notice of their intentions for many months. For the Court's reference, I am attaching the following (i) the e-mails exchanged this afternoon (Exhibit "1"), (ii) a copy of my December 12, 2013 letter to Mr. Castro (Exhibit "2"), and (iii) a copy of a letter sent this evening to Mr. Castro (Exhibit "3").


We would respectfully request that the Court adopt the approach proposed in this letter and (i) refer the matter to Magistrate-Judge Ellis to schedule a settlement conference, and (ii) stay the litigation pending the outcome of the settlement conference.

A copy of this letter and the accompanying exhibits have been sent to Mr. Castro by e-mail.

I would like to thank the Court in advance for its attention in this matter.

Respectfully submitted,

RIVKIN RADLER LLP



Barry I. Levy

cc: Claude Castro, Esq.
David Grill, Esq.
Evan Scheiber, Esq.
Brian Bank, Esq.